

Název rigorózní práce v anglickém jazyce, abstrakt v anglickém jazyce a 3 klíčová slova v anglickém jazyce

Private law aspects of trademark protection

Abstract

This thesis focuses on law of designations in a form of trademarks. Historically, trademark law could be classified as public law rather than private law, however recently the perception has changed as legal doctrine observes developing private law aspects. This thesis centres on private law aspects of trademark law, in particular private law aspects of trademark protection. Its aim is to provide complex overview of means of trademark protection from private law point of view. Relevant provisions include exclusive private rights of trademark's owner and their protection. The owner can protect their rights in various means. First of all, as detailed in the second chapter, the owner of a trademark can prevent future trademark from registration with the trademark registry through filing an objection to opposition proceedings held before Industrial Property Office, provided the future trademark contradicts the older one. Through such objection the owner usually protects their older trademark before registration of new trademark (which would harm their trademark's distinctive character or which would unfairly exploit it) with the trademark registry. Provided the conflicting trademark has already been registered with the trademark registry, the owner is also entitled to initiate repeal proceedings or annulment proceedings regarding this trademark. These proceedings are being analysed in the third chapter. The fourth chapter takes basic functions and use of the trademark into account by focusing on trade relations within which the trademark helps its owner to distinguish themselves from the competition, to gain attention of customers and to promote their brand. The focus therefore follows trademark protection at its essential use. Finally, based on the whole analysis as described above, the ending of this thesis suggests *de lege ferenda* changes.

Klíčová slova: Trademark; Legal protection; Private law